





# KENTUCKY LEGISLATURE.

IN SENATE.

TUESDAY, January 6, 1846.

Prayer by Rev. Mr. Hunter.

The Clerk read the Journal of yesterday.

The SPEAKER laid before the Senate a report from the First Auditor, containing a list of bonds received, cancelled and burnt.

The SPEAKER announced the select committee to inquire whether the maps accompanying the report of the commissioners in reference to the boundary between Kentucky and Tennessee, should be engraved and printed, as follows, to wit: Messrs. Peyton, Helm and Slaughter.

A message from the H. R. announcing the passage of sundry bills in that House.

Mr. FOX presented the petition of Mrs. Martha Susan Kincaid, praying to be divorced from her husband, Richard Kincaid, Jr., and that she be restored to her maiden name of Martha Susan Osley: read and referred to the committee on Religion.

REPORTS FROM STANDING COMMITTEES.

Mr. HARDIN, from the committee on the Judiciary, an act from the H. R. for the benefit of the town of Albany, with an amendment: amendment adopted and bill passed.

Also, an act from the H. R. for the benefit of W. T. Samuels: authorizes his appointment as a clerk, though not twenty one years old: passed.

Also, a bill for the benefit of Jonathan T. Moredock: passed.

Also, a bill authorizing the county court of Barren to change the location of the poor house: passed.

Mr. WALKER, from the committee on Propositions and Grievances, an act from the H. R. for the benefit of Mary Ann M. Hall and others: allows her to bring in a certain slave from Missouri: passed.

Also, an act from the H. R. allowing an additional justice of the peace and constable for Fulton county: passed.

Also, a bill for the benefit of Jonathan Davis of Allen county, with the opinion that it should not pass.

And the question being taken, "shall the bill be engrossed and read a third time?" was decided in the affirmative: yeas 19; nays 13.

And the question being taken on dispensing with the third reading, four fifths not concurring, it was decided in the negative; and the bill went into the orders of the day.

Mr. SPOPE, from the committee on Privileges and Elections, a bill to change the time of holding elections for the Trustees of the town of Cadiz in Trigg county: passed.

Mr. W. P. BOYD, from the committee on Religion, a resolution that the petition of James Davis, praying a divorce, be rejected; report concurred in and petition rejected.

Mr. HARDIN, from the committee on the Judiciary, a bill for the benefit of the sheriff Pulaski: passed.

REPORTS FROM SELECT COMMITTEES.

Mr. EVANS, a bill for the benefit of S. E. Carpenter: passed.

Mr. CHENAULT, a bill to change the names of William and Walker Reynolds, to William and Walker Cochran: passed.

A message from the Governor by the Secretary of State.

The message nominated sundry officers to the Senate, and was referred to the committee on the Judiciary.

MOTIONS AND RESOLUTIONS.

Mr. WALLACE, a resolution requesting the Governor to cause a National Salute to be fired on Thursday, the 8th inst., in honor of the victory at New Orleans, January 8, 1815: adopted unanimously.

Mr. EVANS, leave to introduce a bill for the benefit of William Adeock: referred to a select committee.

Mr. BRAMLETTE, leave to introduce a bill concerning the town of Albany, in Clinton county: referred to a select committee.

ORDERS OF THE DAY.

A bill to change the time of the meeting of the General Assembly to the first Monday in December in each year hereafter.

Mr. EVANS moved to amend by striking out December and inserting November.

Mr. HARRIS would feel much obliged if the Senator from Allen, (Mr. Evans,) would be persuaded to concur in the bill without amendment. He was sure if that Senator's amendment received the sanction of the Senate, it would ensure the defeat of the bill in the H. R. Many members of both Houses were members of the bar, and could not possibly reach here on the first Monday in November, without abandoning their practice to a great extent. He practiced in four courts, held in the month of November, one of the terms commencing on the third Monday; and if the time of the meeting of the general Assembly be fixed by law for the first Monday in November, he and others would be compelled to resign their seats in the Legislature. If the amendment prevail, he would vote against the bill. It seems to be the purpose of Senators to adopt the change. Many members had suffered much, travelling here this session, long journeys through ice and snow and bad roads.

Mr. EVANS would be gratified to accommodate the Senator from Floyd, (Mr. Harris) if he thought his proposition right and just. A few years ago, the meetings of the Legislature were on the first Monday of December, as proposed by this bill, but the Christmas holidays intervening, before the sessions were closed, recesses were taken, time lost, members went home, and the people complained. Against the present time of meeting in need only be urged that we have had hard travelling and most uncomfortable exposure in reaching here, the rivers being frozen and the roads in desperate condition. He would go for the first Monday in December, if he could not get the first Monday in November. He knew the lawyers had Courts to attend to in November; but to leave their Courts in a privation they must undergo for the honor of being legislators. If to abandon a portion of practice at the bar were a conclusive consideration, he, too, would be compelled to resign, for some of the terms of his Courts would be interfered with by the adoption of his amendment. But he was willing to forego a portion of his practice and professional emoluments for the honor of his seat in the Senate, in assisting to promote the public interests. He deemed November the most eligible time of meeting, because the weather was pleasant, travelling comfortable and expeditious, fuel would be saved, the public business would be dispatched, and they could adjourn and return to their families, and enjoy the Christmas holidays at home, if they met the first Monday of that month. Meeting at that time, the members would be expeditious with public business, and nothing was so pleasing to the people as short sessions.

Mr. HEADY preferred the present time of meeting, the 31st of December, to either day proposed; but if it is to be changed, he preferred the first Monday of December. The present time of meeting was more convenient to the farmers, because before the day arrives their pork is killed and salted, hogs sold and corn gathered. The first of November is the farmer's busiest time. But to the present time, the ice, and snow, and cold weather have been stated as objections. This is an extraordinary sea-

son. He never experienced such a December before. The members never before had such difficulties in reaching the seat of government. The rivers are generally open, and the roads tolerable in December. He hoped we never would again experience so extraordinary weather in December.

Mr. DRAKE thought the time of assembling had some influence on the public expenses, and moved to refer the bill to the committee on Finance; and the question being taken thereon, was decided in the negative, yeas 15, nays 18, as follows:

YEAS—Messrs. Wilson P. Boyd, Bradley, Bramlette, Butler, Chenault, Drake, Heady, Holloway, Key, Marshall, Slaughter, Thurman, Walker, Wallace and Woodson—15.

NAYS—Messrs. Ballard, Alfred Boyd, Conner, Crenshaw, Dyer, Evans, Gray, Hardin, Harris, Helm, Henderson, Newell, Peyton, South, Swope, Taylor, Thomas and Todd—18.

Mr. Evans' amendment was then rejected, and the bill was ordered to a third reading.

The resolution offered yesterday by GRAY, for the appointment of a joint committee to examine Transylvania University and the Lunatic Asylum, was adopted.

The resolution offered yesterday by Mr. HARRIS, requiring Executive nominations to be first referred to the committee on Executive Affairs, &c., coming up.

Mr. HARRIS said he had been endeavoring to ascertain the duties of the committee on Executive Affairs, of which he was chairman; and having been promised important information by a legislator of forty years' experience, moved that the resolution be passed over in the orders: agreed to.

Sundry bills from the House of Representatives were read a second time and appropriately referred.

Mr. BUTLER introduced a joint resolution that the General Assembly adjourn *sine die* on the 10th day of February next: lies on the table one day.

Mr. SOUTH had leave to introduce a bill for the benefit of Elijah McWhorter, former Sheriff of Clay county: referred to the committee on Finance.

And then the Senate adjourned.

## HOUSE OF REPRESENTATIVES.

TUESDAY, January 6, 1846.

The House met, and session opened with prayer and the authentication of the journal of yesterday.

Mr. MASON had leave of absence till Monday next.

The SPEAKER announced the select committee under Mr. Hinton's resolution, as follows: Messrs. Hinton, Thurston, Breeden, Egley, Rodman, Brown, Mayhall, A. Johnston, Anthony and Haggard.

MR. HINTON'S RESOLUTIONS.

Mr. E. SMITH proposed to reconsider the vote of yesterday by which the resolution offered by the gentleman from Clark, [Mr. HUNTON] was adopted, to-wit:

Resolved, That a select committee be appointed, whose duty it shall be, and they are hereby instructed, to inquire what defects or corruption of any kind exist in the administration of the judicial department of the government of this State, which may require the constitutional interposition of this House, and especially to inquire what disposition is habitually made of the clerkships of courts; whether the same be made subjects of 'bargain and sale' in violation of law, and if so, how far the courts of this Commonwealth tend their countenance and sanction to the same, by ratifying such corrupt agreements; and also to inquire what is the common practice in reference to the office of Sheriff, whether the same be not publicly bought and sold; and also to inquire further as to the common market prices of such offices in each county; and further, whether there be any defects or corruptions in the workings of the county court system, such as to require the interposition of this House; and that this committee have full power to send for persons and papers to effect the objects contemplated by this resolution.

Resolved, That said committee be composed of one member of this House from each Congressional district in this State.

Mr. E. SMITH said the charges embraced in the proposition were too sweeping and indefinite in their character. All the Judges, and Clerks, and Sheriffs, and County Courts of the Commonwealth were implicated. There might be a few cases of corruption in these departments; but it was unjust, he felt, that the imputation should fall upon the great body of the innocent. If gentlemen have specified charges against particular Judges, let them be made, and Mr. S. said he would go with them into every proper investigation. Besides, these matters going abroad would give unfavorable coloring to the character of the Judiciary of the State. He desired to atone for this error on account of the support he had given to the resolutions by voting for them, by now moving for their reconsideration, and asking for their modification or rejection.

Mr. HUNTON said he had hoped there would be no opposition to his resolution. It provided only for such investigations as were connected deeply with the interests of every member—interests into which every citizen of the Commonwealth had a right to inquire, and to know that their administration was pure. He doubted whether any gentleman feared the exposure of corruption. Nevertheless, if corruption and mal-practices did exist, they should certainly be exposed and put down; and how could their existence be ascertained in a better way than by instituting such inquiries as the resolutions proposed? Many gentlemen appeared to favor the proposition to call a convention for the amendment of the Constitution; and if corruption existed in our constitutional functionaries, it would make a good argument for the call of a convention; and in such facts as might be developed by means of the proposed resolutions, the people might find strong reasons for changing the Constitution. Mr. H. knew that corruption did exist in our Judiciary system as at present constituted. He had heard complaints from nearly every county in the State; and he apprehended that investigation would not injure the innocent. If Judges, &c., were all upright and pure, it would be manifest, he thought, in their willingness to submit their conduct to the test and scrutiny of the House; and if their conduct had not been what it ought to be, it was the duty and privilege of the Legislature to expose it, and remove the evil.

Mr. E. SMITH. If corruption did exist in the judicial administration let the House be informed of the facts—let gentlemen present us with more tangible point for action, and not make such a dip into the dark, such a plunge into midnight, as the adoption of the resolution would involve &c.

Mr. HUNTON did not wish to be understood as implicating the conduct of any particular judge by the terms of his resolutions—much less the judges of the district which he represented. But he had heard that corruptions of the character intimated in the resolution did exist, and therefore he had offered it and hoped his object would still be carried out.

Mr. L. COMBS thought the duties under the resolution would be onerous upon the committee, and that they would not find time to accomplish much, &c.

Mr. HARLAN did not wish to be considered as interfering between the gentleman from Clarke, [Mr. Hinton,] and the gentleman from Rockcastle, [Mr. Smith,] but the proposition did appear to him, from the first, as entirely too broad. The resolution, he said, extended the scope of espionage over the whole State. It directed inquiry into the con-

duct of nineteen judges, one hundred sheriffs, one hundred circuit court clerks, and one hundred county court clerks—extending its object of inquiry into the official conduct of nearly four hundred persons. If the gentleman would come within a reasonable number of objects upon which the labors of his committee might concentrate, he would think better of the proposition. Did the gentleman from Clarke suppose it would be right to take *ex parte* proof in his cases of alleged mal-practices, and so establish corruption upon them? Did he suppose it would be right to call witnesses into his committee room, charging a functionary with such official corruptions as would authorize an impeachment before the Senate, without hearing the defence of the accused? No sir: charges of corruption, which would destroy a public servant, and disgrace a man and his children for all time to come, were not thus to be preferred against an officer of this Commonwealth. The idea was absurd of appointing a committee of ten to sit here and put questions to witnesses derived from various parts of the State—do you know of any corruption or mal-practices among the circuit judges? of any judge conniving at the sale of a clerkship?—No sir: if the gentleman would go at that, he must summon the parties; and if any gentleman had knowledge of special cases of official misconduct, Mr. H. would go with him into the investigation most heartily; and wherever the charges might lie, he would institute the most rigid tests of investigation, from the highest to the lowest trusts in the State, &c.

The motion to reconsider was then carried.

The question recurring on the adoption of the resolutions.

Mr. E. SMITH suggested that they be withdrawn, or lie on the table that the House might reflect on some acceptable modification.

Mr. HUNTON was willing the resolutions should be either passed or lost. He had brought them up for a good purpose; and he was surprised at the opposition manifested. He did not intend to bring accusation against individual officers: nor could he perceive the reason why gentlemen should think so. He did not wish to put an officer upon trial; but he did wish to make a sweep, as far as the terms of the resolution might extend. He wished to find out as much as he could—and he cared not from what source. Neither was he careful about the disgrace of an unfaithful public officer, nor the disgrace of his children—if it must needs be that the sins of the father be visited upon the children. But, if the evils complained of did not exist, then there could be no fear of disgrace; and if they did exist, the House and the country ought to know it—and the sooner the better. Therefore, he would adhere to his resolutions as they now stood, and again insist upon their adoption.

Mr. HARDY moved to lay the resolutions on the table: which was lost.

Mr. MILLER moved to strike out from the proposition all except that which relates to the county courts.

Mr. HUNTON desired to respect the upper as well as the lower servant—he would look into the conduct of the circuit judge as well as that of the magistrate.

Mr. GLINN was for investigation. If any man had been base enough to act corruptly, the evil ought to be exposed. He felt confident for the judicial officers of his section of the State, that they could stand the test; and if those in other parts of the State could not, he preferred to let them fall, and let the public see who has stained the ermine. He feared no result that might follow the adoption of the original resolutions; and would oppose the amendment.

Mr. DUDLEY hoped the amendment would not be adopted. It was well known that grave charges had been preferred against the judge of his judicial district. That officer was a whig, and he [Mr. D.] was a democrat; and he would state his belief, that most, if not all the charges circulated to that gentleman's prejudice, were without foundation; and it was for his sake that he was anxious for the investigation of those matters contemplated in the resolution. It would be for his advantage; and, although the charges had been copied into almost every paper in the country, he felt perfectly sure that that functionary would stand quit and clear of every one of them.

Mr. WALLER. These are resolutions simply of inquiry. They are general, and do not propose individual censure or impeachment. Their object is to ascertain whether corruption exists in the administration of justice; whether Clerks or Sheriffs are in the habit of hartering their offices as private property; and whether, if this be true, judges lend their sanction to such enormities. Common fame says these things do exist. If they do, they should be inquired into by the representatives of the people, and the seal of public condemnation should be stamped upon them. If they do not exist, the vindication should be published, so that the country may be informed and satisfied.

The gentleman from Rockcastle, [Mr. E. Smith] apprehends that the simple passage of the resolutions would reflect discredit upon the State. How, sir? Does not corruption, at times, invade the different departments of government in all States and countries? And shall we attempt to assume a character for purity, by a legislative veto upon all investigation? By passing these resolutions, we will show to the world that we are watchful of our public functionaries, and jealous of the character they should sustain before the country; and that we will do justice, no matter how heavily it may fall on some, or how high the places may be it will reach; and, instead of disgracing, it will exalt the State.

The expression of public sentiment is so strong in many parts of the country on this subject, that we are fully justified in entertaining these resolutions. For myself, sir, said Mr. W., I am free to say that I have strong suspicions that corruption to some extent does exist in some of the offices embraced in the resolutions, and, therefore, shall vote for the inquiry.

The debate was continued by Messrs. E. Smith, J. S. Smith, McKellup, Hughes, Hardy, Mayhall, L. Combs, Harlan, Root, and Waller; which resulted in a proposition to amend, by a resolution extending the inquiry for official malpractice and corruption into the offices of the Governor, Lieutenant Governor, Secretary of State, Attorney General of the Commonwealth, District Attorneys, and into the question whether any member of the Senate or House have obtained his election by bribery, corruption, or in any manner not authorized by law.

And the question on the adoption of the amendment was decided in the negative by yeas and nays—yeas 38, nays 53.

And the question recurring on the adoption of the original resolution, it was decided in the affirmative—yeas 59, nays 1.

ORDERS OF THE DAY.

Senate bill—An act to amend an act entitled, an act for the benefit of Isaiah Heston, approved January 8, 1845. [Continues said act in force one year:] passed.

Senate bill—An act to continue in force two years longer, the law providing for Commonwealth Attorneys: passed.

Senate bill—An act authorizing the Breckinridge County Court to change the direction of a portion of the State road leading from Brandenburg to Shawneetown: passed.

The joint resolution for a joint committee of visitation to the Transylvania University, and the

Lunatic Asylum at Lexington, and the Deaf and Dumb Asylum at Danville, was taken up and adopted.

The bill to take the sense of the people as to the expediency of calling a Convention, was taken up and referred to a committee of the whole House, and made the special order for Thursday next.

Petitions, &c. were now presented by Messrs. Priest, Barlow, Head, Breeden, Glover, Anthony, Bots, Seaton, Glenn, Mays, Hays and Alexander, and appropriately referred.

REPORTS FROM STANDING COMMITTEES.

Mr. HARLAN, from the committee on the Judiciary, reported a bill for the relief of Philip F. Jones, Moses Gethis, and others—[persons indicted for murder, and praying a change of venue from the Edmonson to the Warren Circuit]—passed.

Also—A bill for the benefit of Wm. P. Woodward, Jailer of Hickman county—[that he may reside any where within the limits of the town of Clinton]—which, being ordered to a second reading, on motion of Mr. RODMAN, it was amended so as to extend a similar privilege to the Jailer of Oldman county; and, on motion of Mr. DALLAM, it was amended so as to extend a similar privilege to the Jailer of Livingston county; and then the bill passed.

Also—A bill for the benefit of John H. Grimes—[to change the name of his daughter, Betsy Walton, to Elizabeth V. Grimes, and to enable her to take his property by descent]—which at the proper stage, on motion of Mr. BARLOW, was amended so as to change the name of Mary A. White to Mary A. Maxey; and then the bill passed.

Also—A bill for the benefit of William Waterbury—[to change the name of Clementine Pinley to Clementine Waterbury, and enable her to take his property by descent]—passed.

Also—A bill authorizing the appointment of another justice of the peace for Mulhennburg county: which at the proper stage, on motion of Mr. HUGHES, was amended so as to authorize the appointment of an additional justice of the peace for Union county: passed.

Also—A bill to regulate the terms of the Larnie circuit court—[extends the term to twelve judicial days]—passed.

Mr. PETERS, from the committee on Religion, reported adversely to petitions for divorce by Munford King and Thomas Holyfield.

Mr. ANTHONY obtained the unanimous consent of the House to offer a preamble and resolution directing that, on Thursday, the 8th inst., the Governor be requested to cause to be fired a National Salute in commemoration of the victory achieved by the Americans arms at New Orleans, in 1815.

Upon this question Mr. Haggard demanded the yeas and nays: which was ordered.

Mr. E. SMITH proposed to amend by adding the following: That in firing said salute, the Governor be requested to use the piece of ordnance taken by Gen. Harrison at the battle of the Thames: which was adopted.

And the question being taken on the resolution as amended, it was decided in the affirmative—yeas 91, nays 3.

And then the House adjourned.

CORRECTION.—In this paper last week, Mr. J. SPEED SMITH was incorrectly reported as a member of the committee appointed to prepare and bring in the bill to provide for the call of a Convention of the State.

## DEFERRED PROCEEDINGS.

IN SENATE.

MONDAY, January 5, 1846.

Powers and Duties of the Committee on Executive Affairs and the Committee on the Judiciary.

Mr. HARRIS introduced a resolution, that all nominations of Judges, Judicial Officers and Commonwealth's Attorneys, be referred to the committee on Executive Affairs; and if that committee ascertained any legal or constitutional objections to the nominations, the chairman thereof should report them back to the Senate for reference to the committee on the Judiciary.

Mr. GRAY could see no good object to be gained by the adoption of the resolution. It is a proposition to refer nominations, in certain cases, to two standing committees, instead of one. As the rule of the Senate now stands, all such nominations go to the committee on the Judiciary. He hoped the rule would not be changed, as it would be, by the adoption of the resolution.

Mr. HARRIS. It is true the rule refers such nominations to the committee on the Judiciary. But it is not unusual, either in the Senate or the House of Representatives to refer questions to two standing committees. It is often the case that one committee reports back to the Senate, and moves a reference to another. I confess the Judiciary committee, being selected by the Speaker with a view to the legal and constitutional knowledge of its members, is the best qualified for deciding on nominations involving legal and constitutional questions. I have sought to ascertain the duties of the committee on Executive Affairs, but learned nothing. Yet it is proper that executive acts should be examined, and I think the committee on Executive Affairs is the proper one for that duty. Suppose a large portion of the people objected to a Judge, nominated for confirmation, should we not listen to their remonstrances? Yet, according to my ideas of the duties of the committee on the Judiciary, that committee would only inquire whether any legal or constitutional objection interposed, and, none such appearing, would report in favor of confirmation. I believe the executive action in the premises should be inquired into; and I will never sanction a nomination not approved by the people. There is no force in the objections of the Senator from Christian, (Mr. Gray,) to the adoption of the resolution. Every act of the Executive is a proper subject for the examination of the committee on Executive Affairs. The resolution offered is in strict accordance with the standing rules.

Mr. BUTLER. Being a new member, he offered opinions on this question with diffidence. The Senator from Floyd had correctly characterized the powers and duties of the Judiciary committee, to ascertain if legal or constitutional difficulties interposed obstacles to the confirmation of any nomination. The Senator asks what becomes of the powers and duties of the committee on Executive Affairs? I will define my ideas of the powers of that committee, and the committee on the Judiciary. When an Executive nomination is made, the primary question arises, is there any legal or constitutional objection to the nominee, is he eligible under the law? It is the duty of the committee on the Judiciary to solve such questions as these. If no such objections appear, in this incipient stage of consideration, the committee report the nomination to the Senate. Then, if personal objections lie against the nominee, if his fitness and qualifications be questioned, if objectionable action on the part of the Executive be alleged, the nomination goes to the committee of Executive Affairs. If we change the standing rules and thereby the destination of nominations, we take off duties from the Judiciary committee and impose double duties on the committee of Executive Affairs. And, inquiries into legal and unconstitutional questions not being within the province of the committee on Executive Affairs, we shall forestall those essential primary inquiries by the Judiciary committee. The powers of the committee on the Judiciary over nom-

inations are primary; those of the committee on Executive Affairs secondary.

Mr. HARRIS. I am entirely indifferent whether the nominations go first to one committee or the other. I concede the primary inquiries, as stated by the Senator from Louisville, (Mr. Butler) belong to the Judiciary committee. All I wish is, that the committee on Executive Affairs be privileged to look into the propriety of Executive acts and nominations. The Executive committee is entirely capable to look into these matters and cannot be circumscribed to the consideration of moral questions and questions of mere personal qualification. They are to examine and scrutinize and report upon the proceedings of the Executive. If the Governor nominate a Judge, however recommended by personal fitness and professional qualifications, against whom large portions of the people object, I would vote against his confirmation. I have reasons, pertinent and applicable. The 19th Judicial District has been established but two or three years, and yet four Judges have been already imported into it. The first rain had been already imported into it with the tears of the clouds the fresh made grave of the lamented Judge Jolus White, before a Lexington lawyer was imported as a Judge into the 19th District. There is great excitement among the people of that district in regard to this procedure. Many Whigs, to their credit, take the lead in disapprobating this offensive treatment of the profession of the district. Would any district in the State stand such treatment? The members of the profession, of the Democratic party, neither ask nor expect any favors at the hands of a Whig executive. When that nomination is laid before the Senate, I shall ask the privilege for the committee on Executive Affairs to send for persons and papers.

Mr. GRAY raised a question of order. Can the standing rules be changed by mere resolution in this way? Does not the rule require that a proposition to change the rules lie one day on the table? He did not think it proper to change the rules by a resolution adopted by a mere majority.

Mr. SPEAKER. The rules may be amended by resolution, but it requires a vote of two-thirds to adopt.

Mr. HARRIS explained. He wanted the rule to apply to all nominations. He had cited the case of the Judge sent to the 19th District merely as an illustration of the soundness of the principle involved in his resolution.

Mr. GRAY had no objection to the Senator from Floyd taking any course he might think proper on any nomination whatever; but he did not see the propriety of changing the rules in order to bring a subject within the province of a committee on which a Senator, desirous of conducting an inquiry, might happen to be placed.

The SPEAKER read the rule, requiring every proposition to change a standing rule, to lie over one day.

So the resolution went over.

"THE OREGON QUESTION. IMPARTIALLY VIEWED: WAR, AND ITS CONSEQUENCES."—Under this title the Hon. John M. Bots has addressed to Mr. Pleasant, of the Richmond Whig, a very able analysis of the present state of the diplomatic argument on the Oregon controversy, as presented by the documents lately placed before Congress by the President.

If our columns were less heavily incumbered, or if we were more confident as to the use of argument in great public matters just now, we should hasten to republish this powerful *brief* of the whole subject. But, as we have said, the matter is in the hands of Congress: it is for them to give the country war or peace, calamity in many bitter forms, or quiet and honorable prosperity, as they may see good, and with or without a simple, anxious, and candid deliberation, as they like. The responsibility is theirs.

Mr. Bots compares with great skill, the claims, and their grounds set forth by the negotiators on either part. This he does with candor, giving a fair weight to the titles on each side. The result of this comparison we will extract in his own striking words:

"Now, I am neither disposed, nor prepared if I were disposed, to decide upon the relative claims of these two parties, as resting on discovery, exploration, and settlement: it seems to me to be a subject involved in much difficulty and confusion. But this I am prepared to say, that of all the questions to which I have ever turned my attention, as creating conflicting interests and rights between two nations, this is the one most peculiarly fit and appropriate to be submitted to arbitration, if the parties cannot themselves agree; and that Great Britain has by her offer to arbitrate done all that it becomes her to do, and all that could be expected, in order to bring about a peaceable and honorable adjustment of the difficulty; and that, it was should be the consequence, the responsibility will rest solely and exclusively on the head of Mr. Polk and those of our public men to whom the subject is now turned over, who may sustain him in his idle and arrogant claim."

The question, more briefly stated, is simply this: Great Britain says to the United States, "From 1790 I have held the Oregon Territory in joint occupancy with Spain and the United States, with my right to make settlements on any portion of the unoccupied territory recognized by Spain as far back as 1790, then the only claimant. Whether under the Spanish authority, or by discovery, exploration, and settlement, my claim is at least equal to yours: you are impatient to divide, and I am not disposed to quarrel with you about it—my object is to cultivate friendly relations with you. I will propose to divide by such a line." "No," says Mr. Polk, "I can't agree to that." "Then," says Great Britain, "do you make me a proposition?" Mr. Polk says, "I will divide by such a line." Great Britain says, "No, I can't agree to that; but as there seems to be a wide difference between us, and I am not disposed to take more than I can show a title to, and am unwilling to interrupt the harmony of the two nations, I will agree to submit the whole matter to the arbitration of some third party, to be mutually agreed on between us." "No," says Mr. Polk, "I won't do that either." "Then what will you do? Make me some other proposition more equitable than the first." "Why," says Polk now, "I will withdraw my first proposition, and claim the whole entire territory of Oregon;" even that which it has been admitted by this Government to belong to Great Britain ever since the treaty of joint occupancy in 1818; for, if Great Britain had no just claim or title to any part, it is impossible to conceive that the terms of joint occupancy would ever have been agreed upon; or that Mr. Polk would himself have offered any part to Great Britain in the course of this negotiation.

"Dispute it as you may by flourishes of the pen, to this complexion it must come at last."

"Now, I venture to make the unqualified assertion that there is not one intelligent, honest, disinterested, patriotic man in this whole country, who, upon a full understanding of this much-vexed question, would, under existing circumstances, be disposed to pronounce our title 'clear and unquestionable,' and to favor the desperadoes, the political jugglers, the ambitious aspirants, and the greedy office-holders, in their clamors for 'the whole of Oregon or none;' and in making war for what we can never accomplish by war, and what is not worth a quarrel, even if we could, but which, if the matter had been let alone, would have naturally fallen into our possession by the settlement of the country







